

## REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Claim 13 is currently being amended. No new matter is being added. Claims 1-18 remain pending in this application.

### ***Rejections under 35 U.S.C. §§ 102 and 103***

Claims 1, 3, 4, 6, 7, 13, 14 and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,953,707 to Huang et al. (“Huang”) in view of U.S. Patent 6,609,101 to Landvater et al. (“Landvater”). Claims 2 and 8-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Landvater, further in view of U.S. Patent 5,765,143 to Sheldon et al. (“Sheldon”). Claims 5 and 15-16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Landvater, further in view of Official Notice. Claim 18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Huang in view of Landvater, further in view of U.S. 2003/0130883 A1 to Schroeder et al. (“Schroeder”). Applicants respectfully traverse these rejections for at least the following reasons.

Independent claim 1, recites:

A computer implemented method of product ordering and inventory repositioning for a promotion in a supply chain management system utilizing a network, comprising:

obtaining, *during a current product sales promotion*, via the network from a plurality of stores in a first region, each store associated with a respective distribution center within the first region, point of sale data for a first period of time less than a length of time allotted for a current product sales promotion;

causing, *during the current product sales promotion, a computer calculation of a product demand level over a remaining period of the current product sales promotion* for stores associated with at least one distribution center *based on* an outlook model and *the point of sale data*;

causing, *during the current product sales promotion, a computer calculation of a product amount for the at least one distribution center based at least in part on the calculated product demand level for stores associated with the at least one distribution center*; and

taking, during the current product sales promotion, an electronic action based on the product amount for the at least one distribution center.

Thus, in claim 1, the product amount for a distribution center is calculated during a current promotion based on the calculated product demand level for the stores associated with the distribution center in the context where the POS data is obtained during the current promotion. Thus, the method of claim 1 provides a fluid analysis of a product demand at the distribution center level in real-time using POS data during the sales promotion itself to determine any product demand changes during that sales promotion.

Huang fails to disclose the feature of claim 1 where the product amount for a distribution center is calculated during a current promotion based on the calculated product demand level for the stores associated with the distribution center in the context where the POS data is obtained during the current promotion. Rather in Huang the demand during a sales promotion is determined based on past POS data from a past promotion. Huang determines the demand level for a promotion prior to the promotion based on past POS data from a different promotion, and does not suggest in any manner revising his demand estimates during the promotion itself based on POS data collected during the promotion itself. Huang does not provide a fluid real-time approach as is the case in claim 1, where revisions to the demand level may be made during the promotion as POS data for the promotion is collected. Thus, Huang cannot disclose calculating a product amount for a distribution center during a current promotion based on a calculated product demand level for the stores associated with the distribution center in the context where the POS data is obtained during the current promotion.

The newly cited reference of Landvater fails to cure the deficiencies of Huang.

Landvater discloses determining a time-phased product sales forecast. In FIG. 21, Landvater discloses a process for re-projecting a promotion forecast and re-projecting planned replenishment shipments during a promotion (col. 19, lines 37-39).

Landvater, however, like Huang, fails to disclose the feature of claim 1 where the product amount for a distribution center is calculated during a current promotion based on the calculated product demand level for the stores associated with the distribution center in the context where POS data is obtained during the current promotion. Rather, Landvater merely

discloses re-projecting a forecast at the retail store level, during a promotion, not calculating a product amount at the distribution center level during the promotion.

Moreover, even if Huang and Landvater were combined, at best the combination would suggest re-projecting a forecast at the retail store level, not calculating a product amount at the distribution center level during the promotion based on POS data obtained at its retail stores during the promotion. Landvater is merely concerned with re-projecting a forecast at the retail store level during a promotion, and Huang does not disclose re-projecting a forecast during a promotion in any manner based on POS data obtained during the promotion.

The remaining references applied in the rejection of the claims were cited for other features of the claims, but fail to cure the deficiencies of Huang and Lee.

The dependent claims are patentable for at least the same reasons as independent claim 1, upon which they depend, either directly or indirectly, as well as for further patentable features recited therein. For example, claim 13 recites “causing, during the current product sales promotion, a computer calculation of a product component amount for the at least one distribution center based on the product amount for the at least one distribution center and a component file listing the product components of the product.” Even if Huang discloses keeping track of the amount of a product component, nowhere does Huang suggest calculating, during a current product sales promotion, a product component amount for a distribution center based on the product amount for the distribution center and a component file listing the product components of the product.

As another example, claim 3 recites “wherein the outlook model is for the first region, and wherein the causing a computer calculation of a product demand level for stores associated with at least one distribution center is based at least in part on a product demand level for the stores in the first region for the current product sales promotion based on the outlook model and the point of sale data.” Huang does disclose this feature of claim 3, where the outlook model is for a first region, such as a geographical region such as a nation for example, and the calculation of a product demand level is based on the outlook model for the first region.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing or a credit card payment form being unsigned, providing incorrect information resulting in a rejected credit card transaction, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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